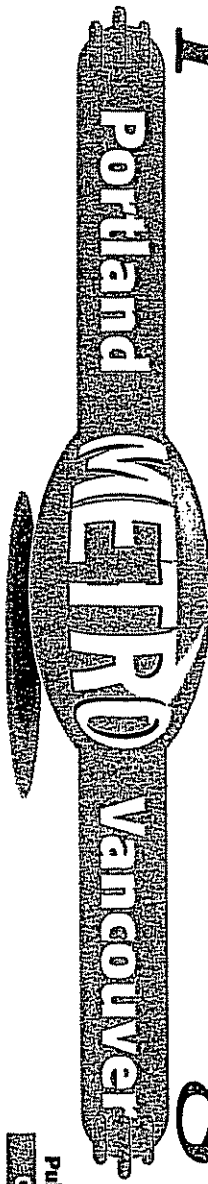


Over 50% of All Metro Apartment Manager Newspapers are Mailed to Apartment Owners

# the Apartment Manager



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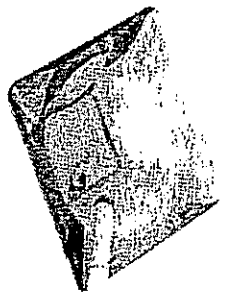
Published in association with: METRO Multifamily Housing Association; Rental Housing Association of Oregon; IREM & Clark County Rental Association

## A Vicious Re-Cycle

Did you know that a battle is raging for the rights to recycle what is in your property's garbage containers? You may be thinking: Why would anybody have to fight to recycle? Don't we live in the GREENEST state in the nation? Aren't we constantly hearing about 'recycle, reduce, reuse' from the government and environmental organizations? Aren't landfills overflowing? Isn't recycling a no-brainer, a responsibility to our planet and its inhabitants? Even Oregon lawmakers have addressed the situation, and ORS 459.015 part 1. subsection D states:

## Is there a Market for Smokefree Housing?

Absolutely! In the summer of 2006, a survey of Portland-area renters found that:  
\* 3 out of 4 renters agree that "other things being equal," they would choose a smokefree building  
\* 52% would even pay extra to live in a smokefree building  
\* 9 out of 10 renters never (or rarely) permit smoking in their units  
\* Only 19% of renters are daily smokers—a third of these do not



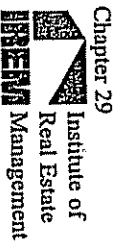
smoke inside their units  
\* 3 out of 4 say it's okay for landlords to prohibit smoking inside rental units to keep secondhand smoke from drifting into other units  
The survey was conducted by Campbell DeLong Resources, Inc., on behalf of the American Lung Association of Oregon, Multnomah County Health Department, and Clark County Public Health (see full report at lungoregon.org).

Continued on page 7

Continued on page 14

YOU HAVE NOW JOINED A LARGER COMMUNITY OR A WEEK-TO-WEEK TENANCY YOU HAVE ENTERED INTO A MONTH-TO-MONTH TENANCY. AS I AM SURE MOST

Continued on page 10



### IREM KEY DATES 2006

ASM603 - Commercial Real Estate Financing & Valuation: Part One  
September 18 - 19, 2006

For real estate and asset managers, effective financial management is the key to maximizing profit in real

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Clark County Rental Association

**Question of The Month**

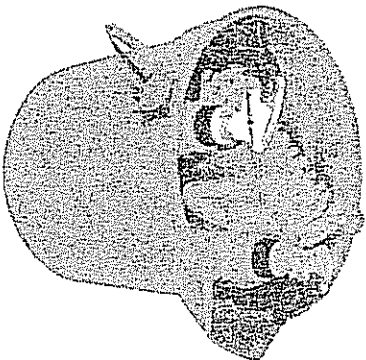
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can charge rent, but that's it. No late charges, no cleaning fees, no smoke alarm tampering fee, no anything except for rent.

In your case, you have a tenant without the benefit of a written lease. That means you are not entitled to any fees, including your cleaning fee. On the other hand, your tenant is a month-to-month tenant, so with thirty days' notice, you can do just about anything. You could, for instance, give a no-cause notice and say if the tenant isn't willing to sign a lease with the fees you require, the tenant will have to move. Or you could give a 30-day rent increase notice and recapture your fee that way.

But I wouldn't do either. You made a mistake. Going to bat over \$50 isn't worth it. I would ask the tenant to sign a one-year lease, assuming that's what both of you want, and I would waive the fee. If you're going to have these folks for the next year, get the relationship

of the security deposit. Fees also discourage the behaviors you'd rather encourage. That applies particularly to cleaning fees. Tenants are more likely to leave the cleaning to you, since they've already paid for it. You may be able to cover the cleaning out of the deposit, but I'd rather get the place back clean and return the deposit in full. That way, I can move someone in more quickly.



Fees generate a third risk to you. It can always be argued that fees are liquidated damages. That's a legal term meaning the parties agreed ahead of time to set the fee for something that cannot easily be determined in advance. Under that theory, if you get the place back clean from one tenant, you make a profit of \$50. If you incur \$100 cleaning costs with the next tenant, you lose \$50. The concept is that you break even over time. The larger the cleaning fee you charge, the more likely this argument would prevail.

**Is There A Market For**

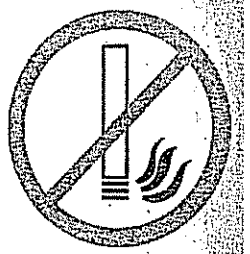
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"The findings plainly indicate that, by being an early implementer of smoke-free policies, a property management company could earn a reputation in the market for doing a better job of recognizing and offering the amenities that tenants want, while at the same time ensuring higher retained earnings as a result of lower maintenance and related costs," says John Campbell who conducted the survey.

Metro-area renters really want clean air, and they think landlords have every right to prohibit smoking.

Unfortunately, more than half of Portland-area renters live in a unit that gets some secondhand smoke drifting in from another unit. As many as a quarter experience second-hand smoke several times a week...or even daily.

Secondhand smoke is not just a nuisance, but a serious health hazard. It can put your tenants' health at risk. And it can set you up for legal liability.



By making your property smoke-free, you can attract quality tenants while keeping your property clean and easier to maintain. You can avoid potential liability due to health problems caused by second-hand smoke. And you can avoid fires and property damage.

If you would like more information, call: Multnomah County Health Department - 503-988-4163 (Multnomah County Residents) American Lung Association of Oregon - 503-924-4094 ext. 23 (Other areas in Oregon) Clark County Public Health 360-397-8000 ext. 7378 (SW Washington state)

